App. F. IX-4

Previous References
RT 2-56(7-9)
RT

193 [illegible]
(R1-)

File No. 1 38
Serial Nos. 21

Letter References
R.T 1-41-(38,39)
R.T 2-42-(1,2,7 and 8)

PRESERVED ✓

p. 38

GENERAL AND REVENUE SECRETARIAT.

erial Nos. One

Part B for June 1939

SUBJECT.

Abolition of the Nemamcherla Frontier Toll-gate at Hukkeri with effect from 1st July 1939

Note No T 43-84/27 6 39 Asst Comptroller

WD 0295—GPB—22,500—18-8-37

Noted as above

M Gwynn
8/7/39

14

Notice of Suit on behalf of Mr. G.R. Jagaramma

General and Revenue Secretariat

Law File No. 33 of 1938 [App. F. III–2

R T. 1–38

Serial No.	
	From Mr. K. N. Sreenivasan Advocate Bangalore City. Notice dated 26-8-38 Threatens to file a Suit in the Bangalore District judge's Court, for a declaration that his client is not liable to pay toll at the ~~frontier~~ toll gate established at the frontier of the State near Venkatagirikote where exemptions are said to be permissible in law.
	1) A draft to the Revl. Commr. Calling for a report is put up for approval.
	2) Done 1·9
2	Issued No. P 1319, dt 3-9-38. To The Rev Commr Calls for a report with connected records from The Rev Commr
3	Letter No. 1215/38-39 dt 23-11-1938. Forwards the records together with a report received from the Dy Commr, Kolar, and opines that the threatened Suit may be awaited for reasons given.
	3) The toll gate - Viz- "Bethamangala Frontier Toll-gate

TYPING SECTION. 1 SEP. 193 GENL. & REV SECTT.

Suit A 3-9-38

NOTE—Contn. Sheet.

4) Notice of Suit - on behalf 1400/3608
of Sri G. R. Jayaramareddy

File No. of 193 . | General and Revenue Secretariat

Serial No.

near Venkatagirikote, was shifted to Hulkur - 2½ miles towards the interior as per notification dated 12-9-36. vide H-7. This was done purposely to prevent evasion of tolls by carts passing thro other cart tracks, on the Dy Comm's recommendation supported by that of the Rev Comm'r vide H-R.

Exemption from payment of toll on carts belonging to agriculturists living within a distance of 5 miles of the toll-gate is allowed on certain conditions vide (H-11) On the notice ~~received~~ issued by the party, it is alleged that the tenants and other raiyats have been denied the privileges existing under the rules and that he himself - as the owner of a motor bicycle - is deprived of the privilege of compounding the toll.

4) The Dy Comm'r Kolar is of opinion that the toll-gate may be shifted back to its original place to give

Notice of suit on behalf of
Mr G. R. Jayarama Reddi
1400 V 3608

Serial No.

to the villagers affected by the change or in the alternative, the concession available to Raiyats in the interior toll-gates may be extended as a special case. The Rev Commr is not in favour of this proposal for reasons given in paras 4-5 of the P.W.D.

5) The file may perhaps be referred to the Secy T.B. for an expression of his opinion in the matter.

28/11/38

6) For favour of remarks

BKR 8.12.35

Secretary Traffic Board

7) When a toll-gate is re-instituted, all persons who are liable to pay, shall pay tolls as required by rules. The views of the Rev Commissioner appear to be very reasonable and may be agreed to

28/12

8) Submitted for orders

28/12/38

SECRETARY 1179 DEC 9 1938 MYSORE TRAFFIC BOARD

NOTE—Contn. Sheet.

BKR 25.12

(W) 0544—GPB—30,000—2-9-83

3605

File No. of 193 . | General and Revenue Secretariat

9) In the circumstances explained, no applicant has any claim. The increased amount may be awarded

28/12/36

10) The frontier toll-gate on the road leading to Venkatagirikota is located at Hulkur which is 2½ miles in the interior from the border. It had originally been located on the frontier, but in September 1936 it was shifted to Hulkur on the recommendation of the D.C. as a matter of convenience. The reason for the shifting was that there were other cart tracks from beyond the frontier which joined the main road between the border and Hulkur and there could be evasion of tolls if the gate was on the frontier.

11) There are some seven villages between the border and Hulkur and these villagers are subject to certain disabilities by calling this gate at Hulkur a frontier toll gate. (1) Rule 22, III (1) (Page 5 of the Motor Manual) gives exemption from toll to all bullock carts at interior toll-gates except those carrying timber, etc. By treating this as a frontier toll-gate, the villagers between the border and Hulkur will not get the benefit of this exemption. (2) Further the rates of tolls at a frontier toll-gate

Serial No.

are double those at an interior toll-gate and these villagers will be therefore subject to the double rate. (3) The business of these villagers will be with the interior of the State such as Bowringpet and they will necessarily have to pass this gate everyday and are subject to the hardship of paying tolls which would not be the case if the gate were on the frontier as it should be according to the intention. (4) Section 21 of the Road Traffic and Taxes Act permits of composition of tolls at any single toll-gate in the case of interior toll-gates, but not at a frontier toll gate. The petitioner who owns a motor vehicle cannot get the benefit of this composition, but he has to compound it at the general Composition rates which allows composition in lieu of all tolls in the State.

12) There is no definition of 'frontier toll gate' in the Road Traffic and Taxes Act. Sec. 15 generally empowers Government to establish toll bars. The Government is not empowered to establish a frontier toll bar at any place where it chooses. Consequently, 'frontier toll gate' has to be construed in its ordinary meaning and spirit, viz., a toll gate located on the frontier. . . If the Government locates a toll bar in the interior at some distance from the ~~xxxxx~~ frontier, legally it will be an interior toll gate

6, Notice of suit on behalf of Mr. Jayarama Reddy.

C
JAN 30 1939
No. 6082

to which the above incidents of an interior toll gate will apply and it would not be legal to name it a frontier toll gate for the application of the restrictive incidents attaching to a frontier toll gate.

13) For the foregoing reasons, it is desirable to shift the toll gate to the frontier. To prevent evasion of tolls by foreign cartmen who take the other cart tracks, a check gate may be placed at Hulkur.

14) The object of the petitioner who has issued notice of suit is to get the gate shifted to the frontier. If Government decide on shifting and back the gate, the petitioner may be informed accordingly. His claim for refund of tolls he has paid already is not tenable.

1st Member)

C
30/1/38

30-1-(-)

15) A frontier toll gate has for a long time been understood to be a gate within 5 miles of the State frontier. would it not be better to define the expression in this way & provide for exemption of bullock carts kept in villages close by & for composition of tolls on motor vehicles, as in the case of interior gates

16) In many cases it may not be

Notice & Suit on behalf of Mr. Jayarama Reddy.

MT-1-386

General and Revenue Secretariat | File No. Law 33 of 1938. | [App. F. III—2

Serial No.

possible to have a toll gate located exactly at the frontier, even to add a check gate as well at vulnerable points on the road would be expensive

17) The Rev. Commr. & the Traffic Bd may be consulted ~~on the matter~~ on these points

RLL
1/2/39

GL
1/2/39

BKR
1.2

18) The file may be sent un-officially first to the Revl. Commr. and later on to the Traffic Board for noting their views on the minute of the Member at paras 15 and 16 supra.

2/2

O No. 429 3.2.39

9) Forwarded, with compliments, to the Revenue Commissioner for favour of remarks.

BK Ramakrishnamaja
for Asst Secy

3.2.39

1215-Fin
8.8.39

---

20) Returned with compliments.

21) A definition of the frontier Toll-gates suggested is desirable.

22) With a view to remove the disabilities of the

C1215/38-39

-9.MAR 1939

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

8

3608.

File No. of 193

General and Revenue Secretariat

people of the seven villages round about this Gate, provision for exemption of bullock carts from payment of tolls and also for composition of tolls on motor vehicles as in the case of interior toll-gates may be made.

2-3) But the rules cannot have retrospective effect and Mr. Jayarama Reddy's claim for the refund of tolls so far paid by him and his tenants etc., cannot be admitted.

Revenue Commissioner.

8-3-1939.

Ce 8/3

BXR 10.3

Secretary Traffic Board wc.

TM 11/1 T.V

24) The Chairman is of opinion that it is desirable to shift the gate to the frontier, if possible. If for any reason, it is not possible to shift the gate, to define the term "frontier toll-gate" is desirable, and provision to be made in the Rules for exemption of bullock carts from payment of tolls and for composition of tolls on motor vehicles.

TM 11/3

TM 13/2

Notice of suit on behalf of Mr. J. R. Jayarama Red

9

General and Revenue Secretariat

File No. Law M T 33 1 of 1938. [App. F. III—2

Serial No.

OFFICE OF THE
REGISTER OF CO-OPERATIVE SOCIETIES
MAR 15 1939
No. 7363

25) Reference. Member's minute in para 17

BKR
14.3.39

Asst Secy)

26) Ref. para 17. The R.C. & chairman P.B have stated their views. It appears that the frontier Tollgate in question viz the one on the Venkatagirikote road is the only one which is somewhat away from the frontier & other such Tollgates are all near the frontier. If it is practicable to shift this Tollgate to near the frontier as suggested by the chairman P.B, there may be no necessity for defining frontier Tollgate; otherwise a definition of "frontier Tollgate" may be inserted in the Act

1st Member)

CL
14/3/39

BKR
14.3

27) The suit of which notice has been received from Mr J. Reddy may be awaited. Meanwhile action may be taken to shift the toll gate to the frontier or even to abolish it if the net revenue from it is unappreciable

RRM
17/3/39

CL 17/3/39

BKR
17.3

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

Notice of Suit on behalf Mr. G. R. Jayarama Reddy.

File No. New 33 1875 of ~~1938~~.

General and Revenue Secretariat

28) If approved, this will now be passed on to the T. B. office for taking further action as per Member's minutes at para 27 supra.

BVKR 20/3

Secretary Traffic Board WC

T. V. R.

29) From the figures available in this office a sum of Rs 1333-15-9 has been realised from the toll gate at Hulkur for 4 quarters as shown below:-

			Rs
1.	For the quarter ending	30-9-37	371-7-0
2.	— do —	31-12-37	336-15-9
3.	— do —	31-3-38	304-13-0
4.	— do —	30-6-38	320-12-0
	Total.		1333-15-9

For working this toll gate departmentally a sum of Rs 1049/- is being incurred annually.

30) It is for orders whether the toll gate has to be abolished or shifted. Kind reference is invited to para 27 of the notes.

31) The Dy Com may see the comments of the Controller.

Secretary

28 23/3 Sec

32) GS 24/3

GENERAL SECRETARIAT 24 MAR 1938 358 T. V. R.

1875 V 2247

shifting the toll gate at Hulbur

General and Revenue Secretariat | File No. | of 193 46 | [App. F. III—2

Serial No.

33) Subd invites draft to the Dy Collr Solar

34) TA 22/3

25/3.

Dy Collr Sol 27/3

To the Dy Collr, Solar.

No T. 3244 dt 30-3-39

Requests to furnish his further views re the abolition shifting the toll gate at Hulbur to the frontier

From the Dy Collr, Solar Dist

No A.Y.C. 812/38-39 dt 16-4-39

Recommends that the toll gate at Hulbur may be abolished in view of the poor income.

35) The net income from this toll gate for the years 1936-37, 1937-38 and for 8 months of 38-39 is noted in the P.W.D. From these figures it is seen that the income is gradually decreasing and the net realisation from this gate for 8 months of the current year is only about Rs. 920-6-11 which is very small.

36) The Dy Collr, Solar Dist recommd the abolition of the toll gate at Hulbur in view of the poor

TYPING ... 2 ... 1939

Secs A 39/3/39

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

12)

27) Shifting will tell also when to the frontier.

File No. R T. of 193 8

General and Revenue Secretariat

income. He also states that this will give immense relief to the ryots.

37) The Dy Comr was asked to ~~sub~~ intimate whether in case it is abolished there will not be occasion for evasion of payment of tolls from outsiders coming into the State. He has not said anything on this point.

Subd for orders with reference to paras 27, 31 and 32 of the notes.

24/4

38) The D M is of opinion that the toll-gates on Hulkur may be abolished.

For orders (vide para 27 of the above notes).

Secretary
&
12 Members.

39) Please ascertain his opinions.

Sd 24/4

T.V.R.

TYPING SECTION
25 APR. 1939
GEN. & REV. SECTT.

40) Draft Subd

25/4.

GENERAL SECRETARY.
24 APR. 1939
4328

T.V.R.

(13

224

Shifting the toll gate at Hulbur to frontier.

General and Revenue Secretariat | File No. PT. 1 of 193 8 | [App. F. III—2

Sérial No.

To the Dy Commr Solan

No T. 36 no 8/26-4-39

Enquires whether in case the toll gate is abolished there will not be occasion for evasion of payment of tolls from outside coming into the State.

From the Dy Commr Solan

No A.7.3. 812/38-398 5-5-39

States that there will be occasion for evasion of payment of tolls and that it can not be avoided.

4) The Dy Commr States that the realization from the toll levied on motorcars etc will work up to only Rs 300/- per year approximately, which may be taken as probable loss on account of the outside vehicles entering into the State as against the total approximate income of Rs 1200/-, which is realized mostly from country carts of the neighbouring villages of our State. The expenditure when compared with the income realized on vehicles etc., brought from outside places will be comparatively very high and there

Sno 4. 7/4

2247 V 2395

Abolition of toll gate at Hukkeri.

File No. RT of 193 8

General and Revenue Secretariat

GENERAL SECRET
9 MAY 1939
G 675

the abolition of the toll gate at Hukkeri will not in any away materially affect them in some efforts and on the other hand it will be an immense relief to the ryot classes.

42) Submitted for orders with reference to paras 27 and 28 of the notes.

9/5

43) TM 9/5

44) If the toll gate at Hukkeri is abolished, cannot cars & other vehicles from Madras side reach Bangalore via Venkatagirikota, K.G.F., Bangarpet & Malur avoiding the toll gates at Nanglis & Narasapur. If this can be, will it not affect our revenue from tolls very much. Please consult D.M. Kolar about this again.

9/5

45) Draft submitted

10/5

46) TM 10/5

To the Deputy Commissioner, Kolar.

No T 38 C&R dt 12-5-39

Requested to furnish his opinion on the points raised at para 44 above

T. V. R

Issue

10/5

TYPING SECTION
* 11 MAY 1939 *
GEN. & REV. SECTT.

13/5/39

Abolition of the Toll gate at Hulkurki.

General and Revenue Secretariat

File No. [illegible] of 1939 2395 & 2700. [App. F. III—2

Serial No.

Please See flag I

Letter No. A. 7. C. 812/38-39 dated 9th June 39 from the Deputy Collr: Kolar furnishing information on the subject.

The Deputy Collr: Kolar reports that it is possible for the motor & other Vehicles to avoid the toll gates at Nangli & Narasapur in case the Hulkurki toll gate is abolished. But to avoid these two toll gates, the motor & other Vehicles have to travel an extra distance of 15 miles, the road to be not- fixed as state Trunk Road - The Deputy Collr: doubts if the owners of cars will wish their Vehicles to avoid these two toll gates by taking the deviation road.

4(8) The proposal about the abolition of said Hulkurki toll gate made by the Deputy Collr: Kolar ~~[illegible]~~ is for orders.

4(9) Submit: with reference to para 4 of the Note.

50) Secy to Govt Law Dept } TN 14/6

13/6/39 Sec:

51) The net income for 8 months of the current year is stated to be Rs 92. We may, if necessary, shift the gate to the frontier Sec house

WD 0541—GPB—30,000—2-9-83

Shifting on abolition of Toll gate at Hulkar

2700

File No. RT of 1936

General and Revenue Secretariat

it works for some 6 months, it will not necessitate putting up of building gate

(Member) Ce 15/6/39 TA, 16/6

(2) The gate may be abolished

21/6/39

(3) Submit with a draft not Law (Members) Ce 21/6 TA 21/6 TA 22/6 22/6/39 SG

Ce 22/6 Approved TA 23/6

Issue Corrigendum

Notn. No T. 1638 dt 29-6-39

Notifies the abolition of the Bellamangala Frontier Toll gate at Hulkur with effect from 1-7-39.

TYPING SECTION 23 FEB

Pd 8/7/39

OFFICE OF THE FIRST MEMBER OF COUNCIL JUN 16 1939 No 9902

T.V.R.

25-5-39

K. N. SRINIVASAN, M.A., LL.B.,
ADVOCATE.
ಕೆ. ಎನ್. ಶ್ರೀನಿವಾಸನ್, ಎಂ.ಎ., ಎಲ್.ಎಲ್.ಬಿ.,
ಅಡ್ವೋಕೇಟ್,
ಬಳೇಪೇಟೆ, ಬೆಂಗಳೂರು ಸಿಟಿ.

1400 P 38

BALEPET,

Bangalore City 26-8- 1938.

Law 33-38-1

By Regd Post

CHIEF SECRETARY
Law
7 AUG 1938
GOVT. OF MYSORE

The Chief Secretary,
To the Government of His Highness the
Maharaja of Mysore
BANGALORE.

Sir,

Under instructions from my client - Mr. G. R. Jayarama Reddy, Inamdar, residing in Balijapalli, in Bowringpet Taluk, I beg to inform the Government as follows:-

That in persuance of the Government Order No. P.7618-Legis.46-35-37 dated 16-5-1936, a Frontier tollgate was established at the frontier of the State near Venkatagirikote. But subsequently the Government by their Notification No.P.1817/R.T. 2-36-9 dated 11/12th September 1936, directed that the said Frontier Toll Gate be shifted from the frontier to Hulkur about 2½ miles towards the interior of the state. This modification has resulted in keeping the following villages in the state between the state frontier and the toll gate - namely - Pooganahalli, Kadariganakuppe, Balijapalli, Sonnakuppa, Panthanahalli, Jeedimakanahalli, and Tatepalli - and my client

my client, his tenants and the other ryats of the aforesaid villages are adversely affected by the said shifting of the frontier toll - gate.

That though my client, his tenants and other ryats aforesaid, in their daily - occupation as agriculturists have ordinarily no necessity to cross the frontier, they have yet to cross the frontier toll gate while - taking their bullockcarts for transporting - manure and for carrying their agricultural - produce to Bowringpet for marketing and are - thus made liable to pay the toll for the - simple reason that the frontier toll gate has been shifted from the frontier 2½ miles towards the interior of the state and their villages are situate between the frontier and the toll gate.

My client and his tenants and other ryats for no fault of their own are thus - deprived of the exemptions granted under - sub clause (XVII) of Rule 22(I) and sub clause (i) of Rule 22(III) in part II of Mysore Motor Manual - and likewise my client who owns a - Motor bicycle is deprived of the previleges of compounding the toll as per section 21 of part A of the said Manual, for the reason that a -

frontier

26/8/38

K. N. SRINIVASAN, M.A., LL.B.,
ADVOCATE.
ಕೆ. ಎನ್. ಶ್ರೀನಿವಾಸನ್, ಎಂ.ಎ., ಎಲ್.ಎಲ್.ಬಿ.,
ಅಡ್ವೋಕೇಟ್,
ಬಳೇಪೇಟೆ, ಬೆಂಗಳೂರು ಸಿಟಿ.

Bangalore City 193

frontier toll bar is specifically excluded from the perview of the said provision.

The exemptions and privileges granted by law are applicable to all the citizens of His Highness the Maharaja of Mysore - and in the absence of anything to the contrary in Act XVI of 1928 as amended by Act IV of 1931 and Act III of 1932 or the Rules framed - - thereunder, my client and his tenants, and the other ryats as aforesaid, are entitled - to the said exemptions and priveleges notwithstanding the fact of the shifting of the Toll Gate as aforesaid which has wedged their villages between the Frontier and the Toll Gate

That though the provision referred to above-namely sub clause XVII of Rule 22 I goes the length of extending the exemption to agriculturists who reside beyond the frontier but within five miles of the said toll gate, it is inequitable that the said exemption is to be deprived to the agriculturists who - - reside within the Frontier.

But this aspect of the matter has - not been appreciated by the said frontier - toll gate officers or by the authorities - controlling them.

controlling them. Numerous petitions submitted to the Amildar - the Deputy Commissioner and the Revenue Commissioner have - not only proved fruitless in granting them any relief, but my client, his tenants and other ryats have been definitely informed that the toll has got to be paid and that no exemption or composition is permissible.

My client feels that the denial of the previleges of exemption and composition as per rules, is illegal and the - Government are not justified in depriving my client and his tenants of the said exemptions and previleges without any adequate - reason. He has been sofar compelled to - pay toll on his bullock carts and Motor - Bicycle to the extent of over Rs. 15-0-0, which he is not legally liable to pay.

I am therefore instructed to issue this notice to the Government which I do - hereby under Section 80 of the Civil Procedure Code and request the Government to - issue necessary orders to the authorities concerned not to levy toll from my client his tenants and other ryats and to extend to them the exemptions and previleges of -

composition

K. N. SRINIVASAN, M.A., LL.B.,
ADVOCATE,
ಕೆ. ಎನ್. ಶ್ರೀನಿವಾಸನ್, ಎಂ.ಎ., ಎಲ್ಎಲ್.ಬಿ.,
ಅಡ್ವೋಕೇಟ್,
ಬೆಳೇಪೇಟೆ, ಬೆಂಗಳೂರು ಸಿಟಿ.

BALEPET. 5

Bangalore City 19

composition referred to above - and also to refund the toll so far levied from him, his tenants and other ryats - And I further beg to inform the Government that if no relief as aforesaid is granted to my client, his - tenants and other ryats, within two months after the receipt of this notice by the - Government, my client his tenants and other ryats, will be obliged to file a suit or - suits against the Government in the Court of the District Judge, Bangalore, for a - declaration that they are not liable to pay toll at the said frontier toll gate where - exemptions are permissible in law and are - entitled to the exemptions and the previleges granted by law and for the reimbursement of the toll that may have been levied from them so far.

I beg to remain,

Sir,

Your most obedient servant

K N Srinivasan.

26·8·1938.

Advocate.

No. P1319 Law 33-38—
Revenue.

3rd September 38

The Additional Secretary to Govt.

The Revenue Commissioner in Mysore,
Bangalore.

I am directed to forward herewith a copy of notice dated 26th August 1938 issued by Mr. K.N. Srinivasan, Advocate on behalf of Mr. G.R. Jayarama Reddy, threatening to file a suit for a declaration that his client and others are not liable to pay toll at the toll gate established at the frontier of the State near Venkatagirikote where exemptions are said to be permissible in law, and to request you to send a report with the connected records early for orders of Government.

I have the honor to be,
Sir,
Your most obedient servant,

MKR

For Additional Secretary to Govt.

Als.

Appendix F G—1]

7

SUBJECT .....

.....

.....

Section Law

File No. ~~33-38~~

Serial No. 2

Diary No. of letter replied to .....

No. P/319/Genl.

To The Revl. Commr.

General and Revenue Secretariat

( )

the *193*

Sir,

I am directed to forward herewith a copy of notice dated 26-8-38 issued by Mr. K.N. Srinivasan, Advocate on behalf of Mr. G.R. Jayarama Reddy, threatening to file a suit and after for a declaration that his client & are not liable to pay toll at the toll gate established at the frontier of the State near Venkatagirikota where exemptions are said to be permissible in law, and to request you to send a report with the connected

Date of issue 3-9-38

Signed by Dr. PKR

List of enclosures.....

Copied by .....

Examined by.....

WD 0278—GPB—30,000—4-3-38

P.T.O.

records early for orders of Govt.

I have etc

[illegible]

for Addl. Secy:

3608 — P

Office of the Revenue Commissioner in Mysore,

Dated Bangalore, 22nd November 1938.

23rd

No. C.1215/38-39.

From

B. Abdul Wajid, Esq., B.A.,

Revenue Commissioner in Mysore.

REVENUE OFFICE 23. NOV. 1938 BANGALORE

To

The Additional Secretary to the
Government of His Highness the
Maharaja of Mysore, Bangalore.

Subject:- Hulkur Toll-gate - shifting of - suit against Government.

Sir,

With reference to your letter No.P.1319/Law. 33-38 dated the 3rd September 1938 forwarding a copy of a notice issued by Mr. K.N. Srinivasan, Advocate, on behalf of Mr. G.R. Jayarama Reddy, threatening to file a suit against Government for a declaration that his client and some others living in the villages situated between the State frontier and the Hulkur Toll-gate are not liable to pay tolls at the Hulkur Toll-gate, I have the honour to forward herewith the marginally noted records and to state as follows:

1. D(2).Dis.2225/37-38.
2. D(2).Dis.474/38-39.
3. Records of the Deputy Commissioner's Office.

2. On a representation of Mr. G.R. Jayarama Reddy, the Deputy Commissioner, Kolar sought the instructions of my predecessor in office about the liability of Mr. G.R. Jayarama Reddy to pay tolls on his motor cycle at the frontier Toll-gate, as he was living close to the Toll-gate. A reply was sent to him stating that all motor vehicles that pass the gate must pay the toll and that there could be no exemption in such cases. Now Mr. Jayarama Reddy has, through his Advocate Mr. K.N. Srinivasan issued a notice to Government, threatening to file a suit against Government for a declaration that he and the other inhabitants of the villages situated between the State Frontier and the Toll-gate are not liable to pay tolls at the frontier toll-gate, as they would not be liable to pay tolls if the gate were located actually at the frontier itself.

3 The Deputy Commissioner from whom a report was called

called for, reports in his letter No.A.7-C.812/38-39 dated the 3rd November 1938 (copy enclosed) that the Gate may be shifted to its original place and that Check-gate may be established on the roads where the country carts are likely to evade payment of tolls.

4. I may in this connection invite reference of Government to General Secretary's letter No.P.1816/Rt. 2-36-8 dated the 11th September 1936 approving of the shifting of the Gate from Venkatagirikota to Hulkur. The shifting of the Gate was ordered by Government on the recommendation of the Deputy Commissioner not only with a view to safeguard Government Revenue, which would have been lost by carts taking other routes near the frontier evading payment at the Toll-gate, but also with a view to locate the Toll-gate at a place not-far from the inhabited villages, as there would be no help forthcoming in case of need particularly during nights.

5. As the Gate was, after due thought, shifted to its present position, there is no need to shift it back. When a Toll-gate is established, all those who are liable to pay tolls, must pay the toll. The filing of the suit may be awaited.

I have the honour to be,

S i r,

Your most obedient servant,

Revenue Commissioner.

BR.

Letter No.A.7-C.812/38-39 dated 3rd November 1938, from the Deputy Commissioner, Kolar District, to the Revenue Commissioner in Mysore.

Subject:- Petition of Mr. G.R. Jayarama Reddy and others of Panthanahalli and other villages of Kyasamballi Hobli, complaining of hardship caused to them on account of levy of tolls at the Hulkur Toll-gate, Bowringpet Taluk.

Adverting to your Official Memorandums Nos.Pet.29/38-39 dated 18th August 1938, and C.1215/38-39 dated 14th September 1938 and the subsequent reminder dated 27th October 1938 calling for a report on the above subject, I have the honou to forward herewith the file of correspondence ending with Kolar Sub Division Officer's letter No. R.3-C.369/38-39 dated 6th Octob 1938 and to state that on a previous representation made by Mr.G Jayaramareddy praying for exemption from payment of toll on his motor cycle and the bullock carts of the surrounding villages of Mysore State crossing the frontier toll-gate at Hulkur, it was ordered in your letter No.D.2-Dis.2225/37-38 dated 1st June 1938 that no such exemption could be granted and that even in cases where the Amildar had granted such exemptions they should be recovered after verification and necessary instructions were issued to the Amildar accordingly.

The petitioners again presented a petition to you on 6th July 1938 complaining of the hardship caused to them by shifting the frontier toll-gate near Hulkur and requesting that the gate may be treated as an interior one for all purposes relating to the bullock carts and other vehicles of the ryots of villages situated within the frontier boundary and the toll-gate at Hulkur and the same was forwarded to this office for disposal and issue of an endorsement. A detailed report was called for from the Sub Division Officer, in the matter.

In the meanwhile the petitioners have issued a notice to the Chief Secretary to Government, threatening to file a suit against Government for a declaration that they are not liable to pay toll at the gate as they are residing within an easy reach of of the frontier toll-gate etc.,. It is seen from the enclosed

records that the Frontier Toll-gate was originally situated at the Frontier ~~Chittagate~~ on the road leading to Venkatagirikote as per Government order No.P.7618/Legis. 46-35-37 dated 16th May 1936, but subsequently shifted to Hulkur as per Government order No.P.1817/S.R.T. 2-36-9 dated 11/12th September 1936. It is only after this that the ryots have begun to complain. The contention of the petitioners is that if the gate had been located at the frontier, they would not have been liable for payment of any tolls and that by the shift towards interior they have been unnecessarily made to pay as some of the exemptions granted at the interior toll-gates are not applicable to frontier toll gates. There is some force in what they represent. In the usual course if the toll-gate had been located at the frontier as was originally done there would have been no necessity for them to pay tolls and the present shifting of the Gate has really caused them some inconvenience and some relief therefore appears to be necessary. From the Sub Division Officer's report, I find that the villagers have to pass through the toll-gate to their fields and on their way to and from Kolar Gold Fields and Bowringpet.

From the previous records, I find that the toll-gate was shifted to Hulkur for the reason that on either side of the toll-gat near Bethamangala when it was originally located there were routes, which were being used by carmen coming from the frontier to evade payment of toll. This could have been prevented by opening Check-gates. The shifting of the frontier toll-gate to the interior appears to have really caused inconvenience to the surrounding villagers. In order to give relief to the villagers, it appears to me that the toll-gate should be shifted back to its original place, and check-gates opened on the cart tracks on either side of the gate. If necessary, these cart-tracks may be completely closed by opening big tranches. Otherwise, the concession available to ryots in interior toll-gates may be made applicable to their gate as a special case.

The detailed reports of the Amildar dated 9-8-1938 and the Sub Division officer, dated 6-10-1938 are herein enclosed for favour of perusal and orders.

" C o p y "

K. M. Narasimhaiya
for Revenue Commissioner.

BR.

Appendix F G—1]

SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to .....

No. T3244/A.T.S. 30.3.39

To

The Dy Comr, Kalat

Sir,

Subject Shifting of Toll-gate at Hurkur to the frontier.

In inviting reference to para 2c of your letter No A.T.C. 812/38-39 dt 3-11-38 addd to the Rev Comr in Tyour on the subject referred to above I am directed to request you to be so good as to furnish your further views as to whether ~~regarding the shifting of the toll gate~~ may be shifted ~~toll gate to the frontier or~~ whether it may be abolished if it not revenu

General and Revenue Secretariat

( )

the *193* .

Date of issue.....

Signed by .....

List of enclosures.....

Copied by.....

Examined by .....

from it is unappreciable or which is can be stopped by practice.

I am also to enquire whether in case it is abolished, there will not be occasion for evasion of payment of tolls from outsiders coming into the State. An early reply is requested.

Yours obedt

TA
Bijai Singh Jafour

24
25/3

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

15

No. T 3244/R.T.

Dated, Bangalore, 30th March 1939

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Deputy Commissioner,
Kolar District.

Sir,

Shifting the Toll-gate at Hulkur to the Frontier.

In inviting reference to para 4 of your letter No. A.T.C 312/38-39 dated the 3rd November 1938 addressed to the Revenue Commissioner in Mysore on the subject referred to above, I am directed to request you to be so good as to furnish your further views as to whether the said toll-gate may be abolished if the net revenue from it is inappreciable or whether it can be shifted to the frontier. I am also to enquire whether in case it is abolished, there will not be occasion for evasion of payment of tolls from outsiders coming into the State. An early reply is requested.

I have the honor to be,
S i r ,
Your most obedient servant

TA

General Secretary to Government.

16

In all future correspondence please quote this No A7.C.812/38-39.
Encls.

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

Dated Kolar, the 18th April *193* 9.

FROM

G. Sundara Rao, Esq., B.A.,
Deputy Commissioner,
Kolar District.

TP 2/14

To

J. Appaji Gowda, Esq., B.A.(Hons.),
SECRETARY TO GOVERNMENT OF MYSORE
General *Department*
Bangalore.

SECRETARY 2247 APR 21 1939 MYSORE TRAFFIC BOARD.

SIR,

SECRETARY 21 APR. 1939

Subject: Shifting the toll gate at Hulkur to the Frontier.

With reference to your letter No.T.3244/R.T. dated 30-3-1939 on the above subject, I have the honour to state that the net income from this toll gate for the years 36-37, 37-38 and for eight months of 38-39 are as noted in the margin*. The income of this gate is gradually decreasing and the net realisation so far from this gate for the year 1938-39 till the end of February 1939 is only about Rs.92-6-11 which is very small.

	1936-37			1937-38			1938-39(8 mor		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Gross realizations	1,757	11	6	1,317	10	3	791	12	3
Expenditure regarding Establishment etc..	1,008	2	6	991	3	7	699	5	4
Net realizations ..	749	9	0	326	6	8	92	6	11

I, therefore, recommend that the toll gate located at Hulkur (Bethamangala) may kindly be abolished in view of the poor income. This will also give immense relief to the ryots.

I have the honour to be,
Sir,
Your most obedient servant

DEPUTY COMMISSIONER,
KOLAR DISTRICT.

DA.

17

Appendix F G—1]

SUBJECT .....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No. T 3640/R.T. S. 26.4.39

To

The Collector, Salem

Sir,

Subject:- Shifting the toll gate at Hosur to the frontier

Date of issue.....

Signed by .....

With reference to the correspondence ending with your letter No A.T. C 812/38-39 dt 18.4.39 on the subject referred to above I am directed to enquire whether in case the toll gate is abolished, there will not be occasion for evasion of payment of tolls from outsiders coming into the State. An early reply is requested.

Yours

List of enclosures.....

Copied by .....

Examined by.....

WD 0521—GPB—30,000—12-3-37

25/4

To Govt

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat

No. T 3640 | R. T. *Dated, Bangalore,* 26th April 1939.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Deputy Commissioner,
Kolar.

Sir,

Subject:- Shifting the Toll-gate at Hulkur to the Frontier.

With reference to the correspondence ending with your letter No.A.7.C 812/38-39 dated 18th April 1939 on the subject referred to above I am directed to enquire whether in case the toll gate is abolished there will not be occasion for evasion of payment of tolls from outsiders coming into the State.

An early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

General Secretary to Govt.

RNS.2.

In all future correspondence please quote this
No. A7.C.812/38-39.
Encls.

SECRETARIAT MAY 8 1939 2395 MYSORE TRAFFIC BRANCH

OFFICE OF THE DEPUTY COMMISSIONER,
KOLAR DISTRICT.

Dated Kolar, the 5th May *1939.*

FROM

G. Sundara Rao, Esq., B.A.,
Deputy Commissioner,
Kolar District.

To

J. Appaji Gowda, Esq., B.A.(Hons.),
SECRETARY TO GOVERNMENT OF MYSORE,
General *Department,*
Bangalore.

SIR,

GENERAL SECRETARIAT 8 MAY 1939 J.B.

Subject: Shifting the Toll Gate at Hulkur to the frontier.

—

With reference to your letter No. T.3640/R.T. dated 26th April 1939, enquiring whether in case the toll is abolished there will not be occasion to the evasion of payment of tolls from outsiders coming into the State, I have the honour to reply in the affirmative and to state that it cannot be avoided.

It is seen from the accounts maintained in this office that the realizations from the toll levied on motor cars etc., will work up to only Rs.300/- per year approximately, which may be taken as the probable loss on account of the outside vehicles entering into our State as against the total approximate income of Rs.1200/-, which is realized mostly from country carts of the neighbouring villages of our State. The expenditure when compared with the income realized on vehicles etc., brought from outside places will be comparitively high and hence the abolition of the Toll Gate will not in any way materially affect the income of Government and on the other hand it will be an immense relief to the ryot classes.

I have the honour to be,
Sir,
Your most obedient servant,

for DEPUTY COMMISSIONER,
KOLAR DISTRICT.
(Absent from Headquarters)

DA.

Appendix F G—1]

20

SUBJECT... .....

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Section

File No.

Serial No.

No. T3849/R.T. & 12.5.39

Diary No. of letter replied to.. .....

To

The Dy Comr, Salem Dist.

General and Revenue Secretariat

( )

the *193* .

Sir.

Subject:- Shifting the toll gate at Hulkur to the frontier.

Date of issue ....

Signed by.....

With reference to the correspondence ending with your letter No. A.T.C. 612/38-39 & 5th May 1939 on the subject referred to above, I am directed to enquire whether ~~if the toll gate at Hulkur is abolished~~, cannot motor carts and other vehicles from Madras side reach Bangalore via Venkatagiri kote, K.G.F, Bowringpet and Hulkur avoiding the toll gates at Nangli and Narasapura, in which event such evasion of the toll will not affect

List of enclosures... ....

Copied by.....

No case that Sandoll gate is abolished

Examined by.....

~~State revenue from tolls~~
~~[illegible]~~. An early reply
is requested

Yours &c

[illegible]

24
10/5—

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. T 3849 | R.T. Dated, Bangalore, 11th / 12th May 1939.

From

The *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,
Kolar District, K o l a r.

Sir,

Subject:- Shifting the toll-gate at Hulkur to the Frontier.

With reference to the correspondence ending with your letter No.A7.c.812/38-39 dated 5th May 1939 on the subject referred to above, I am directed to enquire whether motor cars and other vehicles from Madras side cannot reach Bangalore viz., Venkatagirikote, Kolar Gold Fields, Bowringpet and Malur ~~xxxiii~~ avoiding the toll-gates at Nangli and Narasapur in case the said toll-gate is abolished and whether such evasion will not affect revenue from tolls.

An early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government

K.M.R.2.

23

No. A7.C.812/38-39. Office of the Deputy Commissioner,

Kolar District.

Dated, Kolar the 9th day of June '39.

From

G. Sundara Rao, Esq., B.A.,
Deputy Commissioner,
Kolar District.

To

J. Appaji Gowda, Esq., B.A.(Hons.),
General Secretary to Government of Mysore,
Bangalore.

SECRETARY 2700

GENERAL SECRETARY. 12 JUNE 1939 J.B.

SUBJECT: SHIFTING THE TOLL-GATE AT HULKUR TO THE FRONTIER.

Sir,

With reference to your letter No.T.3849/R.T. dated 12-5-39, enquiring whether Motor cars and other vehicles from Madras side cannot reach Bangalore via Venkatagirikote, K.G.F., Bowringpet, and Malur avoiding the toll-gates at Nangli and Narasapur, I have the honour to state that this is possible. But in order to avoid ~~these toll-gates, the motor and other vehicles have to travel~~ an extra distance of 15 miles. Besides a distance of about 60 miles of the deviation road is maintained by the District Boards and it is generally not so good as State Fund Roads. It is therefore doubtful whether the owners of cars will risk their vehicles to avoid toll-gates by going in the deviation road.

I have the honour to be,

Sir,

Your most obedient servant,

For Deputy Commissioner,

Kolar District.

IV

Appendix F G—1]

SUBJECT.....

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Section RT

File No. 1-38

Serial No. 21

Diary No. of letter replied to 12.7.

No. Ry. No TH 384 | R.T. 1-38-3

To— d. 23.6.39.

General and Revenue Secretariat

(')

the *193*

In virtue of the powers vested in Mein under Sec 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Govt of H.H. the Maharaja are pleased to direct that the Bettamangala Frontier Toll gate at Hulkere which was abolished by the present please in notification no P 1817/RT 2-36-9912-9-36 be abolished with effect from 18th July 1939.

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

B. O.

✓ TN Secy to Govt. Law Department

To the Compiler Mysore Gazette for publication in part IV of the Gazette

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Memo No T 4385/A.T. Rules: Quotiles
8. 27. 6. 39.

Copy of the above is forwarded

A.C. to the Rent Court together with
the records received with the
letter No C. 1215/38-39 of 23rd
Nov of 38.

B.A

Memo No. T. 4386/A.T.

To Secretary to Govt
Law Dept.

27/6/39 Copy to D.C. Kolar.

NOTIFICATION.

No. T. 4384—*R. T.* 1-38-21, *dated Bangalore,*
27*th June* 1939.

In virtue of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that Bethamangala Frontier Tollgate at Hulkur which was shifted to the present place in Notification No. P. 1817—R. T. 2-36-9, dated 12th September 1936, be abolished with effect from 1st July 1939.

By Order,

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.